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Rumney Memorial School

Adam Rosen, Principal

433 Shady Rill Road, Middlesex, VT 05602 Phone: 802-223-5429 Fax: 802-223-0750 www.rumney.org

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Date:

May 11, 2007

To:

Marlene Dortch

Company:

FCC

Fax:

202-418-0187

From:

Chip Hedler

Phone:

802-223-5429, ext. 328

Fax:

802-223-0750

Pages:

8 (includes cover sheet)

RE:

CC Docket No. 02-6 Request for Review of USAC
Decision

May 11, 2007

From: Chip Hedler
Rumney Memorial School
433 Shady Rill
Middlesex, VT 05602
phone: 802-223-5429
fax: 802-223-0750
email: chiph@rumney.org

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MAY 11 2007

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To:
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Subject: CC Docket No. 02-6 Request for Review of USAC decision
Funding Request Number: 1487041
Form 471 Application Number: 536536
Billed Entity Number: 4879

Dear Ms. Dortch:

Rumney Memorial School wishes to appeal the March 13, 2007 USAC decision denying E-Rate Funding Request 1487041 for Verizon Frame Relay service. The explanation provided for the denial of funding was that a contract for new service had been signed prior to the required 28-day waiting period computed from the date that the form 470 cited in the request was posted to the SLD web site.

We believe we are in compliance with the competitive bidding process specified for services to be eligible for E-Rate funding. In 2004, we had failed to meet the deadline for filing form 470, but SLD agreed with us that our 2004 funding request for the frame relay service (FRN 1196287) was still allowable because our form 470 for 2003 (number 711890000429356) showed that we had been seeking contracted services (as well as month-to-month or tariffed services), and because at the time that a 470 should have been filed for FY 2004 there was in fact a contract in place (though our 2003 funding request, like those of the other schools in our district, had been accepted on a month-to-month basis). For FY 2005, the frame relay service was again funded as a multi-year contract, after we had filed a form 470 (number 603330000579916) with explicit information in item 13 stating that we had "an existing multi-year contract with Verizon" but had never before indicated so on previous 470s, and so were "posting our desire for offers for that type of service." SLD made numerous requests for additional information before approving our FY 2005 funding requests, but these concerned substantiation of item 21 attachments. As far as we could tell, the status of our multi-year contract with Verizon for frame relay services was not an issue.

In December of 2005, when asked to provide additional information about our FY 2006 requests, we felt that the best way to demonstrate compliance with SLD regulations was to be as forthcoming as possible about the history of our E-Rate funding for the Verizon frame relay service, continuing to feel that we were in compliance even when first denied funding for FRN 1487041. When our appeal was denied, the reasons stated made it clearer that the issue involved the timing of the signing(s) of the contract and the dates of the relevant form 470s. In making this appeal, we would like to speak to those issues.

If SLD handled our 2004 appeal correctly, then the form 470 that established our multi-year contract would have been 470 number 711890000429356 as described above. If that information is valid, then the information

on which our FY 2005 request (FRN 1294171) was funded could now appear to be erroneous, but the funding of the request would have still been in compliance with SLD guidelines regarding competitive bidding, which *had been solicited* via the 470, perhaps unnecessarily, in an attempt to comply as fully as possible with the regulations as we understood them.

We have accepted the consequences of past failure to comply with SLD timetables without argument; we did not appeal the denial of the three FY 2004 funding requests for which we did not file a suitable form 470 on time. We are extremely appreciative that SLD granted our FY 2004 appeal regarding the request for which we felt we were still in compliance. We have tried our best to parse the SLD regulations and the 2004 decision as they seemed to apply to our FY 2005 and FY 2006 requests. We are not trying to circumvent the bidding process. We simply believe that fairness would dictate that confusion about information to be supplied should not disqualify requests that are substantively in compliance with the funding regulations, and that it would be wrong to deny funding that would support a key piece of the technology infrastructure for the students and staff of a deserving and qualifying school.

To expedite your examination of this appeal, we are submitting the following documentation: "FDCL A," the portion of the January 9, 2007 letter stating that our request had not be approved, resubmitting "Appeal D," a copy of the signed contract of June 17, 2003 referred to above, "2004 Appeal Decision," a copy of the SLD Administrator's Decision on our 2004 appeal, "04-470a," the portion of our FY 2004 form 470 that supported our funding that year, and "05-470a" and "05-470b," the portions of our FY 2005 form 470 that supported our funding that year. This documentation will follow the closing of this letter.

Please let us know if we can supply any further information that would help clarify the issues. Thank you very much for your consideration of this appeal,

Chip Hedler
Rumney Memorial School

[Documentation follows]

"FDCL A"

Funding Request Number: 1487041
 Funding Status: Not Funded
 Category of Service: Internet Access
 Form 470 Application Number: 66728000579123
 SPIN: 143001314
 Service Provider Name: Verizon Vermont
 Contract Number: n/a
 Billing Account Number: 802-M15-0911 090
 Service Start Date: 07/01/2006
 Contract Expiration Date: 06/30/2008
 Site Identifier: 4879
 Number of Months Recurring Service Provided in Funding Year: 12
 Annual Pre-discount Amount for Eligible Recurring Charges: \$4,341.60
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
 Pre-discount Amount: \$4,341.60
 Discount Percentage Approved by the USAC: N/A
 Funding Commitment Decision: \$0.00 - 28 Day Waiting Period Violated
 Funding Commitment Decision Explanation: A contract for a new service was signed prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to the SLD Web Site.

FDCL Date: 01/09/2007

Wave Number: 038

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

"Appeal D"

Attachment Appeal - DAPPLICATION FOR SERVICE
(FCC Tariff)

Customer Name:	Rumney Elementary School	Main Billing Tel. No:	802-M15-0911 090
Address:	433 Shady Hill Rd. Middlesex, VT 05602		

Customer applies for and agrees to purchase from the undersigned Verizon operating telephone company the services identified below and as further described in Verizon's applicable tariffs (the "Services"), for a minimum period of 7 yrs. (84) consecutive months (the "Service Period"). The Services will be provided subject to the terms and conditions of Verizon's applicable tariffs in effect during the Service Period (the "Tariffs"), which are incorporated by this reference.

The Service Period will be scheduled to commence on or about July 30, 2003 (42) days after signature by both parties below, subject to Verizon's completion of any work or installation of facilities needed to provide the Services. If Customer terminates this Application or any Services prior to expiration of the Service Period, Customer will promptly pay Verizon any termination and cancellation charges specified in the Tariffs. The rates for the Services shall be as set forth in the Tariffs, which rates are summarized below. Customer shall also pay all applicable charges, taxes and tariff surcharges that may be required under applicable law, regulations or tariffs.

Quantity	Service	Monthly Unit Rate	Non-recurring Charges
1	384K Frame Circuit	\$424.77	\$276.00

The Services will be provided at the following Customer locations:

433 Shady Hill Rd.
 Middlesex, VT 05602

Verizon may assign or transfer part or all of this Application to any of its affiliates. Provided that Customer provides Verizon with reasonable prior written notice, Customer may assign or transfer this Application to any company that is the successor to substantially all of its assets. All other attempted assignments shall be void without the prior written consent of the other party.

Upon signature below by both parties, this Application and the Tariffs constitute the entire agreement between Customer and Verizon regarding the Services, and supersede all prior oral or written quotations, communications, understandings or agreements. In the event of a conflict between the Tariffs and this Application, the Tariffs shall control. Each party represents that its execution of this Application is based solely on its independent assessment of the rights and obligations set forth herein and not on any other oral or written quotations, communications, understandings or agreements. This Application may not be modified or rescinded except by a writing signed by an authorized representative of each party.

AGREED AND ACCEPTED:

By [Signature] (Customer)Name/Title: Peter Farrell, PrincipalDate: 6/17/03

VERIZON -

By [Signature]
Name/Title: John Novak/Account ExecutiveDate: 06/17/03

"2004 Appeal Decision"



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal
Funding Year 2004-2005

October 12, 2004

Chip Hedler
Rumney Memorial School
433 Shady Hill Road
Middlesex, VT 05602

Re:	Applicant Name:	Middlesex-Rumney Elementary School
	Billed Entity Number:	4879
	Form 471 Application Number:	430817
	Funding Request Number(s):	1196287
	Your Correspondence Dated:	July 1, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Numbers: 1196287
Decision on Appeal: **Approved in full**
Explanation:

- Your appeal has brought forward persuasive information that your funding request will be approved for funding.

Since the Administrator's Decision on Appeal approves additional funding for your application, SLD will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and to each service provider that will provide the products and/or services approved for discounts in this letter. SLD will issue the RFCDL to you as soon as possible. The RFCDL will inform you of the precise dollar value of your approved funding request. As you await the RFCDL, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

Form 470 Review

Page 2 of 5

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:

local voice service

Quantity and/or Capacity:

2 existing lines

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:

monthly internet service

Quantity and/or Capacity:

for 150 users

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

Contract was
1 line

